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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,583	10/12/2001	Stephen G. Malloy Desormeaux	83098RLW	2254

7590 10/07/2004

Milton S. Sales  
Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/976,583

Applicant(s)

MALLOY DESORMEAUX ET AL.

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-25 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/12/01, 6/6/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lourette et al (US5978016).

Regarding claim 1, Lourette discloses a camera demonstration method comprising the steps of:

capturing a first electronic image in a camera;

storing the first electronic image in memory in the camera (working memory 124);

capturing a second electronic image in the camera following the storing;

replacing the first electronic image in the memory with the second electronic image when the camera is free of a film unit and the memory has capacity for storing both images; and

storing both the first electronic image and the second electronic image in the memory, when the camera has the film unit loaded and the film unit has capacity for storing both images (see col. 14, lines 8-65).

The examiner notes that Applicant's claim language does not clearly specify that the first and second electronic images are stored together in the memory- ie that each

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image is maintained in the memory at the same time. Lourette teaches that images are sequentially stored in a working memory where the last captured image remains in the memory until the next image is captured thereby, replacing the previous image; and thus, a first and second image and all subsequent images are stored in the working memory.

Regarding claim 2, Lourette discloses, in figure 5, displaying the electronic images on a display on the camera (36).

Regarding claim 3, Lourette discloses selectively capturing, in the film unit, archival images corresponding to the first and second electronic images when the camera has the film unit loaded (In the hybrid image capture mode, Lourette stores selectively stores images on film).

### ***Allowable Subject Matter***

1. Claims 6-25 are allowed.

Regarding claim 6, the prior art does not teach or fairly suggest a hybrid-electronic camera demonstration method comprising the steps of capturing a first image, storing the first image, capturing a second image, replacing the first image with

the second image and storing the second image along with the first image, wherein

the first image is replaced by the second image when the camera is free of film and the second image is stored along with the first image when the camera has film loaded.

Regarding claim 11, the prior art does not teach or fairly suggest a hybrid-electronic camera demonstration method comprising the steps of capturing a first image, storing the first image, capturing a second image, sensing that the camera is unloaded, replacing the first image with the second image, capturing third and fourth images, sensing that the camera is loaded, replacing the second image with the third and storing the fourth image along with the third image.

Regarding claims 14, 17 and 20, the prior art does not teach or fairly suggest a camera for use with a film unit comprising a body, an electronic capture unit, a film holder, a memory and a controller, wherein

the controller maintains each of the images in the memory free from overwriting by a next image when the film holder is in a loaded state and the controller overwrites each image with the next image when the film holder unit is in the unloaded state.

2. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, the prior art does not teach or fairly suggest a hybrid-electronic camera demonstration method comprising the steps of capturing a first image, storing the first image, capturing a second image, replacing the first image with the second image and storing the second image along with the first image, wherein

following the replacing, displaying the second image on a display on the camera, then deactivating the display and erasing the second image concurrent with the deactivating.

**Conclusion**


1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kindaichi teaches a hybrid camera. Reece et al teach a combined film and electronic camera. Yamagata teaches a combined film and digital camera having display. Miyadera teaches a data erasure control system for a hybrid camera. McIntyre et al teach a hybrid camera. Malloy Desormeaux teaches a hybrid camera. Nishitani et al teach a hybrid camera.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600